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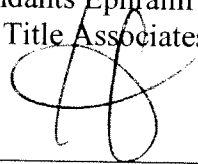
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMUSEMENT INDUSTRY, INC., dba WESTLAND
INDUSTRIES; PRATICAL FINANCE CO., INC., :
:
Plaintiffs, : 07CV11586 (LAK)(GWG)
-against- : (ECF)
:
MOSES STERN, aka MARK STERN, JOSHUA SAFRIN,
FIRST REPUBLIC GROUP REALTY, LLC, : NOTICE OF MOTION TO
EPHRAIM FRENKEL, : DISMISS AMENDED THIRD
LAND TITLE ASSOCIATES ESCROW, : PARTY COMPLAINT AS
: AGAINST EPHRAIM
Defendants. : FRENKEL AND LAND TITLE
-----X ASSOCIATES ESCROW
JOSHUA SAFRIN,
Defendant/Third Party-Crossclaim-
Counterclaim Plaintiff,
-against-
STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN
INGERSOLL & ROONEY, P.C., BANKERS CAPITAL
REALTY ADVISORS, LLC, and FIRST REPUBLIC
GROUP CORP.,
Third Party Defendants,
-and- ,
MOSES STERN, aka MARK STERN, FIRST REPUBLIC
GROUP REALTY LLC, EPHRAIM FRENKEL, and
LAND TITLE ASSOCIATES ESCROW,
Defendants/Crossclaim Defendants,
-and-
AMUSEMENT INDUSTRY, INC. dba WESTLAND
INDUSTRIES, PRACTICAL FINANCE CO., INC.
Plaintiffs/Counterclaim Defendants.
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PLEASE TAKE NOTICE, that upon the annexed Memorandum of Law in Support of Defendants Ephraim Frenkel and Land Title Associates Escrow's Motion to Dismiss the Claims Asserted Against Them in Safrin's Amended Third Party Complaint, Defendants/Cross-Claim Defendants Ephraim Frenkel and Land Title Associates Escrow will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on submission or at such time as the Court may direct, for an order (a) striking or dismissing the Amended Third Party Complaint of defendant Joshua Safrin, pursuant to Rule 14(a) of the Federal Rules of Civil Procedure, for improperly asserting cross-claims in a Third Party Complaint, (b) dismissing Counts I and V – VIII pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted, and (c) for such other and further relief in favor of said Defendants as the Court deems appropriate.

Dated: New York, New York
June 9, 2008

HOFFINGER STERN & ROSS, LLP
Attorneys for Defendants/Cross-Claim
Defendants Ephraim Frenkel and
Land Title Associates Escrow



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